E-filed 6/28/07

NOT FOR CITATION IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRELL MCGHEE,) C 06-0744 JF (PR)	
Petitioner, vs.	ORDER GRANTING PETITIONER'S REQUESTS FOR EXTENSION OF TIME TO FILE TRAVERSE	
SCOTT KERNAN, Warden,		
Respondent.))) (Docket Nos. 26, 27)	

Petitioner, a state prisoner proceeding <u>pro se</u>, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a request for appointment of counsel. The Court initially dismissed the instant petition without prejudice for Petitioner's failure to pay the filing fee. Petitioner filed a letter with the Court stating that he had paid the filing fee in August 2006. Thereafter, Petitioner filed a letter with the Court and included a copy of the receipt for payment of the \$5.00 filing fee, dated August 30, 2006. The Court vacated the judgment, reopened the instant habeas action and ordered Respondent to show cause why the petition should not be granted. After the Court granted Respondent's request for an extension of time, Respondent filed an answer addressing the merits of the petition on April 23, 2007. On June 1, 2007 and June 25,

2007, Petitioner filed letters with the Court requesting an extension of time to file a traverse. The Court concludes that Petitioner has shown good cause for such extension. Accordingly, Petitioner's requests for extension of time (docket nos. 26, 27) are GRANTED. Petitioner shall file his traverse, and serve a copy on Respondent, within thirty days of the date of this order.

It is Petitioner's responsibility to prosecute this case. Petitioner is reminded that all communications with the Court must be served on Respondent by mailing a true copy of the document to Respondent's counsel. Petitioner must keep the Court and all parties informed of any change of address by filing a separate paper captioned "Notice of Change of Address." Petitioner must comply with the Court's orders in a timely fashion. Failure to do so may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

DATED: _6/28/07 ____

JEREMY FO GEL

United States District Judge

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1	A copy of this ruling was mailed to the following:
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	Order Granting Petitioner's Requests for Extension of Time to File Traverse

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